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10/827,255	04/20/2004	Yukiyoshi Hikichi	03500.017678.	2391

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EXAMINER
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RILEY, MARCUS T

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,255	<b>Applicant(s)</b> HIKICHI ET AL.	
	<b>Examiner</b> MARCUS T. RILEY	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

1. This office action is responsive to applicant's remarks received on January 05, 2009. Claims 1 & 3-9 remain pending. Claim 2 has been cancelled.

### **Response to Arguments**

2. Applicant's arguments with respect to amended **claims 1, 5 & 7-9**, filed on January 05, 2009 have been fully considered but they are not persuasive.

### **Applicant's Arguments**

For Applicant's remarks see "*Applicant Arguments/Remarks Made in an Amendment*" filed January 05, 2009.

### **Examiner's Response**

Applicant argues that the applied art is not seen to disclose or suggest the determination of a range of image information to be printed and that such a determination should be made based on the level of authentication information specified for a user that issues a user instruction for reading image information stored in the storage device, wherein the level of authentication is determined within a plurality of level information written on the storage device.

Examiner understands Applicant's argument but respectfully disagrees. Petteruti discloses, teaches or suggests the determination of a range of image information to be printed

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and that such a determination should be made based on the level of authentication information specified for a user that issues a user instruction for reading image information stored in the storage device, wherein the level of authentication is determined within a plurality of level information written on the storage device. See Petteruti '401 at column 3, lines 20-52 where the range of content to be read, varied and written includes content such as product price, type, or other identifier; product information, quantity, or location; and in a baggage ticket, flight information, owner, or baggage identifier. Furthermore, at column 4, lines 33-67 thru column 5, lines 1-26, Petteruti '401 explains where a range of content is read the content is to be printed and where the information in the storage is varied by the name, description, weight or ID number. Moreover, as understood by the Examiner, since the portable printer reads the data to verify whether the commands are valid. Validity may include whether the printer 10 is associated with an address or printer-type specified in the command, and whether the command is one of a set of valid commands. Therefore, the range of such data and the range of the written data are not always the same. Petteruti also discloses, teaches or suggests a reading unit at Figure 2, #22 and Figure 3 Step 62. The controller 34 reads the RFID circuit to verify that the tag was encoded with the data (step 62). Petteruti at Figure 3, #54 and column 4, lines 33-67 thru column 5, lines 1-25 discloses a specifying unit which specifies authentication information of the user who performs the user instruction. The host initially begins an instruction at step 52 and it is validated at step 54. The user ID is well known in the art to be part of the validation within printer units.

Accordingly, independent Claims 1, 5, 7, 8 & 9 are not in condition for allowance. The other claims in the application are each dependent from the independent claims and are also not

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allowable over the applied references for at least the same reasons. As a result, Applicant's application is not in condition for allowance.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Petteruti et al. (US 6,409,401 hereinafter, Petteruti '401).

**Regarding claim 1;** Petteruti '401 discloses an image processing apparatus comprising

(See Figure 1, #10):

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an input unit which inputs image information including a first image information having a first attribute for printing (Perrutti '401 discloses the host terminal or computer as the input unit, See Figure 3, #52 *"The programmed controller in the housing operates, responsive to communication received from a host terminal or computer, to send information to the print head to print information on the media and/or information to the encoder to encode the RFID circuit, via the antenna of the encoder."* column 2, lines 4-8);

and a second image information having a second attribute for storing (See Figure 1B where Fig. 1B is an example of the media coupled to RFID circuits used in the printer of FIG. 1; *"The controller 34 operates the RFID encoder 22 to store digital information or data, which may be related to information printed by the print head 18 upon the same part of the media having the RFID circuit. For example, when such media represents labels to be applied to products, the information stored in the RFID circuit may represent an identifier(s) or characters defining the product, barcode or other identifying data."* column 3, lines 44-52);

a printer which prints an image based on the image information input by said input unit on a recording medium to which a storage device is attached (See Figure 2, #10 *"It is another aspect of the present invention to provide a portable printer for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded."* column 1, lines 66-67 thru column 2, lines 1-3);

a writing unit which writes the image information to the storage device attached to the recording medium (See Figure 1 wherein #22 is the read/write encoder *"Portable label printer 10 further includes an RFID (read/write) encoder 22... The RFID encoder 22 operates in accordance with programmed microprocessor controller 34 (FIG. 2) on the printed circuit board 24 to write data onto the RFID circuit..."* column 3, lines 21-30);

a controller which controls said printer (See Figure 2 for controller #34 *"A printer control circuit board 24 has electronics, including a microprocessor controller 34 (FIG. 2), for controlling the print head 18 and actuating motor 21 to drive media 16 across the print head 18."* column , lines );

and said writing unit to print the image based on the first image information having the first attribute input by said input unit is on the recording medium (See Figure 2, #22 Reader/Writer Encoder *"Portable label printer 10 further includes an RFID (read/write) encoder 22... The RFID encoder 22 operates in*

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*accordance with programmed microprocessor controller 34 (FIG. 2) on the printed circuit board 24 to write data onto the RFID circuit...*" column 3, lines 21-30);

and to write the second image information having the second attribute input by said input unit with a plurality of level information for visualizing to the storage device attached to the recording medium on which the image is printed by said printer (*"The controller 34 operates the RFID encoder 22 to store digital information or data, which may be related to information printed by the print head 18 upon the same part of the media having the RFID circuit. For example, when such media represents labels to be applied to products, the information stored in the RFID circuit may represent an identifier(s) or characters defining the product, barcode or other identifying data."* column 3, lines 44-52); See also (*"It is another aspect of the present invention to provide a portable printer for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded."* column 1, lines 66-67 thru column 2, lines 1-3);

a reading unit which reads the second image information stored in the storage device based on a user instruction (See Figure 2, #22 and Figure 3 Step 62 *"Using the encoder 22, the controller 34 next reads the RFID circuit to verify that the tag was encoded with the data (step 62). If the data read does not match the data encoded, the controller checks if a Retry Count variable has exceeded a maximum number of retries (step 64), and if not, increments the Retry Count variable by 1 (step 65) and attempts to encode the RFID circuit again with the data (step 60)... If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66)..."* column 5, lines 4-25);,

a specifying unit which specifies authentication information of the user who performs the user instruction (See Figure 3, #54 and column 4, lines 33-67 thru column 5, lines 1-25. Here, the host initially begins an instruction at step 52 and it is validated at step 54.)

wherein said controller controls said printer to print an image based on the second image information read by said reading unit is on a recording sheet in a case where said reading unit reads the second image information (See Figure 3 *"If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was*

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*successfully encoded (step 66), and then returns to step 52. In this manner, the printer 10 encodes information on the RFID circuits of media 16. The media 16 can be printed upon before, after, or during such encoding.*" column 5, lines 18-25);

and to determine a range of the second image information to be read by said reading unit and a range of the second information to be printed based on the level of the authentication information specified by said specifying unit within the plurality of level information written on the storage device by said writing unit. (See Petteruti '401 at column 3, lines 20-52 where the range of content to be read, varied and written includes content such as product price, type, or other identifier; product information, quantity, or location; and in a baggage ticket, flight information, owner, or baggage identifier. Furthermore, at column 4, lines 33-67 thru column 5, lines 1-26, Petteruti '401 also explains where a range of content is read the content is to be printed and where the information in the storage is varied by the name, description, weight or ID number).

**Regarding claim 3;** Petteruti '401 discloses a display unit which displays an image based on the image information stored in the storage medium (See Figures 1 & 2, wherein #28 is the display unit. Figure 2 shows where the display displays an image based on the image information stored in the storage medium).

**Regarding claim 4;** Petteruti '401 discloses further comprising an instruction unit which instructs said printer to perform printing based on the content displayed by said display unit (See Figure 2, wherein #28 is the display unit. Furthermore, Figure 2 shows where the display or LEDs 28b are coupled to input/output ports of the controller 34. The controller instructs the printer to print and the information may be displayed on display #28. *"It is another aspect of the present invention to provide a portable printer for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded."* column 1, lines 66-67 thru column 2, lines 1-3);

**Regarding claim 5;** Petteruti '401 discloses a generating step of generating image information to be printed (*"...the portable printer of the present invention has a printer mechanism for printing on*



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*media and a RFID encoder for encoding information onto RFID circuits attached, or bonded, to the media to provide integrated RFID media.” column 2, lines 4-8).*

a reading step of reading image information stored in the storage device based on a user instruction (See Figure 3 Step 62 *“If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66), and then returns to step 52. In this manner, the printer 10 encodes information on the RFID circuits of media 16. The media 16 can be printed upon before, after, or during such encoding.”* column 5, lines 18-25);

and a specifying step of specifying authentication information of the user who performs the user instruction (See Figure 3 and column 4, lines 33-67 thru column 5, lines 1-25. Here, Preutti discloses where the host initially begins an instruction. If the RFID an invalid response, the controller 34 sends a message to the host. The controller 34 optionally may also send to the host the address (or tag identifier) of the RFID circuit. If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66), and then returns to step 52. Examiner interprets this as meaning that when there is a valid/invalid response, the host is specified for a specific purpose and receives a message of error or validity.)

wherein an image is printed on the recording medium based on the stored image information read in said reading step in a case where said reading step reads the stored image information (*“If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66), and then returns to step 52. In this manner, the printer 10 encodes information on the RFID circuits of media 16. The media 16 can be printed upon before, after, or during such encoding.”* column 5, lines 18-25);

and a range of the second image information to be read in said reading step and a range of the second information to be printed are determined based on the level of the authentication information specified by said specifying unit within the plurality of level information on level information written on the storage device (See Petteruti ‘401 at column 3, lines 20-52 where the range of content to be read, varied and written includes content such as product price, type, or other identifier; product information, quantity, or location; and in a baggage ticket, flight information, owner, or baggage identifier. Furthermore, at column 4, lines 33-67 thru

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column 5, lines 1-26, Petteruti '401 also explains where a range of content is read the content is to be printed and where the information in the storage is varied by the name, description, weight or ID number).

a setting step of setting an attribute of the image information generated in said generating step, the attribute indicating whether or not the image information is to be visualized (See Figure 3, Steps 54 and 56 *"In response to receiving such commands and data, the printer first determines whether the commands and data are valid (step 54). Validity may include whether the printer 10 is associated with an address or printer-type specified in the command, and whether the command is one of a set of valid commands. If the command and data is not valid, the printer ignores the command and data (step 55) and the controller 34 branches back to step 52. If the commands and data are valid, the controller 34 directs the encoder 22 to query (read) the RFID tag address (or tag identifier) of the RFID circuit on the media adjacent the encoder's antenna (step 56)."* column 4, lines 50-61. See also Figures 1 & 2, wherein #28 is the display unit. Figure 2 shows where the display displays an image based on the image information stored in the storage medium).

a transmitting step of transmitting the image information generated in said generating step and the attribute set in said setting step to a printer loaded with a recording medium to which a storage device is attached (*"The controller 34 operates the RFID encoder 22 to store digital information or data, which may be related to information printed by the print head 18 upon the same part of the media having the RFID circuit. For example, when such media represents labels to be applied to products, the information stored in the RFID circuit may represent an identifier(s) or characters defining the product, barcode or other identifying data."* column 3, lines 44-52); See also (*"It is another aspect of the present invention to provide a portable printer for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded."* column 1, lines 66-67 thru column 2, lines 1-3);

**Regarding claim 6;** Petteruti '401 discloses an image processing method wherein authentication information for reading the image information which is not visualized is also set in said setting step, and the authentication information is also transmitted to the printer in said transmitting step (*"If the data read by the encoder at step 62 matches the data sent to the encoder, the controller 34 sends a message to the terminal or host computer reporting that the RFID circuit was successfully encoded (step 66), and then returns to*

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*step 52. In this manner, the printer 10 encodes information on the RFID circuits of media 16. The media 16 can be printed upon before, after, or during such encoding.” column 5, lines 18-25).*

**Regarding claims 7 & 9;** Claims 7 & 9 contain substantially similar features as that of claim 1. Thus, claims 7 & 9 are rejected on the same ground as claim 1. Petteruti ‘401 also discloses a computer readable program, stored in a computer-readable storage medium (“Referring to FIG. 3, a flowchart is shown for the **RFID encoding program (software) for the printer 10... The program may be stored in memory of the controller 34, such as SRAM, FLASH, or external memory 37 (FIG. 2).**” column 2, lines 4-8):

**Regarding claim 8;** Claim 8 contains substantially similar features as that of claim 5. Thus, claim 8 is rejected on the same ground as method claim 5. Petteruti ‘401 discloses a computer readable program stored in a computer-readable storage medium, said program comprising a computer readable program, stored in a computer-readable storage medium (“Referring to FIG. 3, a flowchart is shown for the **RFID encoding program (software) for the printer 10... The program may be stored in memory of the controller 34, such as SRAM, FLASH, or external memory 37 (FIG. 2).**” column 2, lines 4-8):

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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